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HOUSE BILL 56

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING PENALTIES FOR EMBEZZLING A
MOTOR VEHICLE; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-3-504 NMSA 1978 (being Laws 1978,
Chapter 35, Section 91, as amended) is amended to read:

"66-3-504. [~~UNLAWFUL~~] TAKING OR EMBEZZLING OF A VEHICLE
OR MOTOR VEHICLE. --

A. Any person who takes or embezzles any vehicle
or motor vehicle intentionally and without consent of the
owner is guilty:

(1) of a fourth degree felony if the vehicle
or motor vehicle has a value of less than two thousand five
hundred dollars (\$2,500); and

(2) of a third degree felony if the vehicle

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 or motor vehicle has a value of two thousand five hundred
2 dollars (\$2,500) or more.

3 B. The consent of the owner of the vehicle or
4 motor vehicle to its taking or embezzling shall not in any
5 case be presumed or implied because of the owner's consent on
6 a previous occasion to the taking of the vehicle or motor
7 vehicle by the same or a different person.

8 C. The district courts are given exclusive
9 jurisdiction to hear and try offenses prescribed under this
10 section.

11 D. Nothing in this section shall be construed to
12 prohibit the holder of a lien duly recorded with the
13 [~~division~~] department from taking possession of a vehicle to
14 which possession the lienholder is legally entitled under the
15 provisions of the instrument evidencing the lien. A holder of
16 a duly recorded lien who takes possession of a vehicle without
17 the knowledge of the owner of the vehicle shall immediately
18 notify the local police authority of the fact that he has
19 taken possession of the vehicle. "

20 Section 2. EFFECTIVE DATE. --The effective date of the
21 provisions of this act is July 1, 1999.